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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,026	08/20/2001	Hippolit Gstrein	5689-266	5700

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EXAMINER

HUG, ERIC J

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/933,026		GSTREIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Eric Hug		1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 4,7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The following is in response to the amendment filed on March 31, 2003.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen (US 5,525,410). Hansen discloses a seamed, woven press fabric with a fibrous batt, whereby the base fabric is made of longitudinal and transverse yarns, each yarn comprising a plurality of filaments that have been twisted together. The yarns comprise three or more monofilaments, each monofilament having diameter from 0.04 to 0.18 mm (column 2, lines 40-43; reads on claim 8). The fabric can single layered or multi-layered (column 3, line 40 to column 4, line 3; reads on claim 3).

2. Claims 1, 3, 5, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McCarthy et al (US 5,508,094). McCarthy discloses a seamed press fabric with longitudinal and transverse threads and a fibrous batt needled thereto, whereby the weft (transverse) threads can comprise eight strands of monofilaments twisted together (reads on claims 1 and 2). The cross section assumes essentially a circular shape (for example, see ref. 16 of Fig. 1). The fabric can comprise two or more layers of warp and weft yarns, thus has at least two plies (reads on

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claim 3). Warp and weft systems making up the layers are interwoven (reads on claim 5). The monofilaments in the twisted structure have a diameter of 0.10 mm (reads on claim 8). In the construction shown, the twisted structure would have a minimum mean diameter of three monofilaments or 0.30 mm (reads on claim 9).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gstrein (US 5,618,612). Gstrein discloses a press felt with a base fabric and a needled batt whereby the base fabric comprises twist yarns in the cross machine direction in which two or more single yarns are twisted together to form a plied monofilament twist. Gstrein shows embodiments where three single yarns are twisted together and having a circular cross-section (see Figure 2). The base fabric is made of a single woven fabric or an assembly of separately woven fabrics. The fiber diameter is 0.1 to 0.3 mm (instant claim 8). Gstrein does not explicitly describe the felt as being seamed. However, since press felts are seamed together into an endless loop for use in the papermaking process, a use of a seam would be inherent in the felt construction, or, at the time of the invention, it would have been obvious to one skilled in the art to include a seam for joining the two ends of the felt together into an endless loop for use on a papermachine.

*Response to Arguments*

With regards to Hansen, the Examiner thanks Applicants for making the distinctions between “multi-strand” yarns that are not twisted and a yarn comprised of twisted monofilaments. However, the argument is not persuasive. Claim 1 of the instant invention recites “... at least some of the transverse threads (30) exhibit a twisted structure (10) that is substantially circular in cross-section and that comprises at least three monofilaments twisted together.” The multi-strand yarns of Hansen are prepared by twisting together at least three monofilaments. Claim 1 of Hansen specifically says “....said multistrand yarn comprising a plurality of filaments twisted together, ....” (see column 4, lines 17-18). Hansen also says “Monofilament yarns may be used singly or, as implied above, in a plied bundle comprising three or more monofilaments and having a minimal twist to hold the monofilaments together.” (column 1, lines 63-66). The Examiner fails to see any distinction between the twisted multistrand yarn of Hansen comprising three monofilaments and the twisted structure of instant claim 1.

The Examiner also thanks Applicants for pointing out the mischaracterization given by the Examiner with regards to the multifilaments of McCarthy. The Examiner recognizes that McCarthy shows a yarn structure comprising eight monofilaments twisted together, rather than eight strands of twisted monofilaments. Despite this mischaracterization, McCarthy still discloses a twisted structure which comprises at least three monofilaments twisted together, thus is indistinguishable from that of instant claim 1.

Applicants' arguments regarding Gstrein are also not persuasive, as Figure 2 of Gstrein clearly shows a twisted structure comprising three monofilaments. See column 4, lines 54-57, which state, "The cross machine direction yarns 22 are produced from three twisted monofilaments of polyamide 0.2, 21, the three monofilaments 21 twisted together to produce cross machine direction plied monofilament twist yarns 22." Such a twisted structure would have the claimed rounded cross-section as shown in Figure 4 of the present invention.

With respect to Applicants' arguments the amendment to claim 1, all other rejections set forth in the previous office action have been withdrawn, as those cited references do not disclose the claimed structure.

#### ***Allowable Subject Matter***

Claims 4, 7, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose a felt having transverse threads that exhibit the claimed twisted structure, whereby the felt has two or more textile backing elements disposed one above another and has fibers embedded therebetween (claim 4), or whereby the twisted structure is constructed as a mixed structure of monofilaments and twisted, multiply twisted, or braided multifilaments (claim 7), or whereby the transverse thread density is above 130 threads per 10 cm.

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Allowable subject matter can also be found in the specification. The sentence on page 3, lines 10-13 states, "It further includes the idea of providing a twisted structure in which monofilaments, each of which itself has a helical construction, are entwined with one another. The sentence on page 9, lines 13-16 states, "It is likewise possible for the twisted structure 10 to be formed by structures that are themselves already twisted, or by a combination of monofilaments and twisted structures." The prior art does not disclose or suggest entwining together at least three monofilaments which themselves have already been twisted prior to the entwining.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

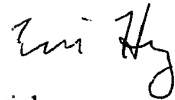
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.



jeh  
May 9, 2003



STEVEN P. GRIFFIN  
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